

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Office Action, the Examiner rejects claims 1-14. Claims 1-3, 5-8, 10-12 and 14 are rejected under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,044,275 to Boltz et al. (hereinafter "Boltz"). Claims 4, 9 and 13 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Boltz.

In response, independent claims 1, 6 and 11 have been amended to clarify their distinguishing features. Specifically, claims 1, 6 and 11 have been amended to recite selecting between setting a short mail service and setting another type of mail as the character mail. Further, dependent claims 15-17 have been added, which recite that the other type of mail is a packet. Support for the amendment and new claims is found throughout the specification; specifically, in Figs. 6 and 7, and on page 12, line 15 – page 14, line 13. Therefore, Applicant respectfully submits that no new matter has been added by way of the amendment to the claims, and respectfully requests entry of the amendments.

The present invention provides for a mobile information terminal comprising a mail generating means that generates mail after receiving input by a user through a keyboard. A transmission time setting means allows the user to set a time at which the mail should be transmitted, and a mail transmitting means then transmits the mail at the desired time. Further, the present invention, as recited in amended independent claims 1, 6 and 11, is capable of setting a transmission time for every type of mail by selecting between setting a short message service (SMS) and setting another type of mail.

As shown in Figs. 6-7, a transmission time setting means 142 (STEP S601) opens a transmission time setting screen allows a user to select between setting the SMS (STEP S602) or

setting another type of mail, such as the packet (STEP S603). In case that “1” is selected on this screen and the SMS is selected (STEP S602: Yes), an SMS transmission time setting screen like Fig. 7B is opened (STEP S604), and SMS transmission time is set (STEP S605), and the setting is completed (STEP S606). Here, in case that the SMS transmission time is not set (STEP S602: No), the setting screen ends (STEP S609).

In case that “2” is selected on the transmission time setting screen of Fig. 7A and the packet is selected (STEP S603: Yes), a packet transmission time setting screen like Fig. 7B is opened (STEP S607), and packet transmission time is set (STEP S608), and the setting is completed (STEP S606). In case that the packet transmission time is not set (STEP S603: No), the setting screen ends (STEP S609). After the transmission time is set, using the mail generating means 141, mail to be transmitted is generated (STEP S610). After the mail generation is completed and when transmission is selected (STEP S611), the kinds of mails are discriminated (STEP S612), and in case that the transmission time is already set (STEP S613: Yes), a selection screen is displayed (STEP S614).

The cited reference of Boltz teaches allowing a mobile subscriber to define a date and time of delivery for a message sent by the mobile subscriber to another mobile subscriber. The date and time delivery information of a message is sent to a message service center along with the message, where it is be stored until the requested time of delivery. However, Boltz never teaches selecting between setting a SMS or another type of mail, such as a packet, as recited in the amended independent claims and new claims of the present invention.

Anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim. Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458, 221 U.S.P.Q. 481, 485

(Fed. Cir. 1984). Boltz fails to teach each and every element of independent claims 1, 6 and 11. Further, Boltz also fails to teach the elements of or make obvious the dependent claims, which recite additional unique elements and/or limitations. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §102(e) rejection of claims 1-3, 5-8, 10-12 and 14, and the 35 U.S.C. §103(a) rejection of claims 4, 9 and 13, and respectfully requests allowance of claims 1-17.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorney would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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